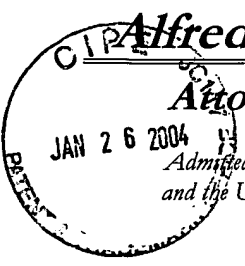


01-27-04.

3727.



Alfred M. Walker, P.C.

Attorney at Law

Admitted to New York State Bar
and the United States Patent Office

225 Old Country Road
Melville, New York 11747-2712
Tel. No. (631) 361-8737
Fax No. (631) 361-8792
e-mail:walkerip@optonline.net

January 26, 2004

Commissioner for Patents
Mail Stop: Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 30 2004

TECHNOLOGY CENTER R3700

APPLICANT: Gerard Stephan
SERIAL NO.: 09/927,692
FILED: August 10, 2001
EXAMINER: Tri M. Mai
GROUP ART UNIT: 3727
MAILING DATE OF ACTION: July 10, 2003
TITLE: NIPPLE ADAPTER FOR A STANDARD
NARROW-MOUTHED BEVERAGE BOTTLE

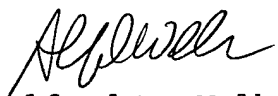
Dear Sir:

Enclosed please find Petition Pursuant To Rule 1.8 (b) To
Deem Response Timely Filed By Facsimile Transmission,
Declaration Of Alfred M. Walker and supporting documents.

Certificate of Mailing.

Please acknowledge receipt on the enclosed postcard.

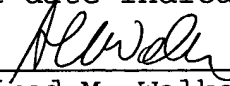
Respectfully submitted,

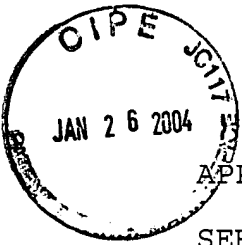

Alfred M. Walker
Reg. No. 29,983

PAT27

I certify that this correspondence is being deposited with
the United States Postal Service as Express Mail No.:
EV401838777US in an envelope addressed to the Commissioner
for Patents, Mail Stop: Petitions, P.O. Box 1450,
Alexandria, VA 22313-1450 on the date indicated below.

Date: January 26, 2004


Alfred M. Walker



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gerard Stephan
SERIAL NO.: 09/927,692
FILED: August 10, 2001
EXAMINER: Tri M. Mai
GROUP ART UNIT: 3727
MAILING DATE OF ACTION: July 10, 2003
TITLE: NIPPLE ADAPTER FOR A STANDARD NARROW-
MOUTHED BEVERAGE BOTTLE

RECEIVED
JAN 30 2004
TECHNOLOGY CENTER R3700

Commissioner of Patents and Trademarks
Mail Stop Petitions
PO Box 1450
Alexandria VA 22313-1450

PETITION PURSUANT TO RULE 1.8(b) TO DEEM RESPONSE TIMELY FILED
BY FACSIMILE TRANSMISSION

Dear Sir:

Applicant hereby petitions the Commissioner pursuant to Rule 1.8(b) to deem the second Supplementary Preliminary Amendment filed as of November 14, 2003 with respect to the above-identified application for Letters Patent.

Since this is a petition under 37 CFR 1.8(b), it is believed that no petition fee is necessary. If any fee is applicable (small entity), please deduct same from Applicant's Attorney's Deposit Account No. 23-0120.

The last communication received from the Patent and Trademark Office in this application was a Notice of Noncompliance Amendment, which was mailed on July 10, 2003. A response in the form of a Supplementary Preliminary Amendment

to that Office Notice was send on July 15, 2003 by facsimile transmission to the fax number listed in the Notice, namely 703-305-3590. The Supplementary Preliminary Amendment was accompanied by a proper certificate of fax transmission dated July 15, 2003. A copy of the fax transmission report is attached hereto, showing that 14 pages were sent successfully by fax to 703-305-3590 on July 15, 2003 at 4:49 pm.

Apparently, according to a telephone call from Examiner Tri M. Mai of Group Art Unit 3727 on or about October 28, 2003, to response of July 15, 2003 was not located. As soon as applicant became aware of this situation, immediate steps were taken to determine the status of the fax transmission. On October 28, 2003, the faxed documents of July 15, 2003 were sent again by fax to 703-872-9302, together with a certificate of fax transmission.

Therefore, on or about November, 2003 the undersigned received a telephone call from Shana Zimmerman of the USPTO requesting that the text of canceled Claims 2 and 3 be reinserted into the Response. Therefore, a second Supplemental Preliminary Amendment was prepared and sent by fax to the telephone number of 703-305-3590. Attached hereto is a copy of that facsimile transmission, including my fax transmission report showing that 18 pages were sent by fax transmission to 703-305-3590 on November 14, 2003 at 9:15 pm.


Applicant's petition is accompanied by a verified Statement of the Undersigned showing that the second Supplementary Amendment of November 14, 2003 was timely filed

by fax transmission pursuant to Rule 1.8(b). The Declaration of Alfred M. Walker of the law firm of Alfred M. Walker, P. C. is being filed concurrently herewith in support of Applicant's Petition.

The reasons as fully set forth in the accompanying Declaration of Alfred M. Walker provides an adequate basis to deem the second Supplementary Preliminary Amendment timely filed by fax transmission as of November 14, 2003.

Respectfully submitted,

Date: January 26, 2004



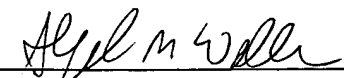
Alfred M. Walker
Attorney for Applicant
Reg. No. 29,983

225 Old Country Road
Melville, New York 11747-2712
(631) 361-8737

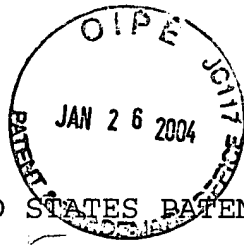
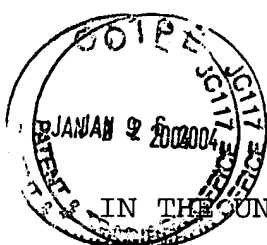
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail # EV401838777US addressed to Commissioner for Patents, Mail Stop Petitions, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: January 26, 2004



Alfred M. Walker



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents and Trademarks
Mail Stop Petitions
PO Box 1450
Alexandria VA 22313-1450

In re Application of: Gerard Stephan
Group Art Unit: 3727
Serial No.: 09/927,692
Examiner: Tri M. Mai
Filed: August 10, 2001
For: NIPPLE ADAPTER FOR
A STANDARD NARROW-MOUTHED BEVERAGE
BOTTLE

DECLARATION OF ALFRED M. WALKER

Dear Sir:

I, Alfred M. Walker, declare as follows:

I am a registered patent attorney, Registration No.
29,983.

I am responsible for the prosecution of the above
identified United States Patent Application.

The last communication received from the Patent and
Trademark Office in this application was a Notice of
Noncompliance Amendment, which was mailed on July 10, 2003. A
response in the form of a Supplementary Preliminary Amendment
to that Office Notice was send on July 15, 2003 by facsimile
transmission to the fax number listed in the Notice, namely
703-305-3590. The Supplementary Preliminary Amendment was
accompanied by a proper certificate of fax transmission dated
July 15, 2003. A copy of the fax transmission report is
attached hereto, showing that 14 pages were sent successfully
by fax to 703-305-3590 on July 15, 2003 at 4:49 pm.

Apparently, according to a telephone call from Examiner
Tri M. Mai of Group Art Unit 3727 on or about October 28, 2003,

to response of July 15, 2003 was not located. As soon as applicant became aware of this situation, immediate steps were taken to determine the status of the fax transmission. On October 28, 2003, the faxed documents of July 15, 2003 were sent again by fax to 703-872-9302, together with a certificate of fax transmission.

Therefore, on or about November, 2003 the undersigned received a telephone call from Shana Zimmerman of the USPTO requesting that the text of canceled Claims 2 and 3 be reinserted into the Response. Therefore, a second Supplemental Preliminary Amendment was prepared and sent by fax to the telephone number of 703-305-3590. Attached hereto is a copy of that facsimile transmission, including my fax transmission report showing that 18 pages were sent by fax transmission to 703-305-3590 on November 14, 2003 at 9:15 pm.

Applicant's petition is accompanied by a verified Statement of the Undersigned showing that the second Supplementary Amendment of November 14, 2003 was timely filed by fax transmission pursuant to Rule 1.8(b). The Declaration of Alfred M. Walker of the law firm of Alfred M. Walker, P. C. is being filed concurrently herewith in support of Applicant's Petition.

The reasons as fully set forth in the accompanying Declaration of Alfred M. Walker provides an adequate basis to deem the second Supplementary Preliminary Amendment timely filed by fax transmission as of November 14, 2003.


This situation first came to my attention when I checked this Patent Application in the Retrieval System on January 14,

2004 and ascertained that my November 14, 2003 response had not been entered in the PAIR system. I had checked also on or about December 16, 2003, but did not think it was out of the ordinary since often it takes 30 days or more for a response to show up on the PAIR system. I then made a telephone call to Examiner Tri M. Mai of Group Art Unit #3727 of the US Patent Office, and he advised me to fax this petition to 703-872-5302, the central fax number as of December 1, 2003.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: January 26, 2004



Alfred M. Walker
Attorney for Applicant
Reg. No. 29,983
225 Old Country Road
Melville, New York 11747
(631) 361-8737

Alfred M. Walker, P.C.

Attorney at Law

*Admitted to New York State Bar
and the United States Patent Office*

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e-mail:walkerip@optonline.net

VIA FAX
(703)305-3590

July 15, 2003

Commissioner for Patents
Mail Stop: Amendments
P.O. Box 1450
Alexandria, VA 22313-1450

FAXED

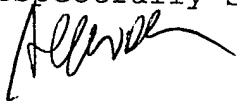
APPLICANTS:	Gerard Stephan
SERIAL NO.:	09/927,692
FILED:	August 10, 2001
EXAMINER:	Tri M. Mai
GROUP ART UNIT:	3727
MAILING DATE OF ACTION:	July 10, 2003
TITLE:	NIPPLE ADAPTER FOR A STANDARD NARROW-MOUTHED BEVERAGE BOTTLE

Dear Sir:

Enclosed please find Rule Supplemental Preliminary Amendment in response to notice of non-compliant Amendment, including clean copies of the claims pursuant to 37CFR 1.121.

Certificate of Fax Transmission.

Respectfully submitted,



Alfred M. Walker
Reg. No. 29,983

PAT27

I certify that this correspondence is being deposited by fax to (703)305-3590 to the Commissioner of Patents, Mail Stop: Amendments, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: July 15, 2003


Lisa H. Russo

0/14
8/19/03



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,692	08/10/2001	Gerard Stephan	210308-Adapter	6102

4988 7590 07/10/2003

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE, NY 11747-2712

EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20230
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 6/21/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

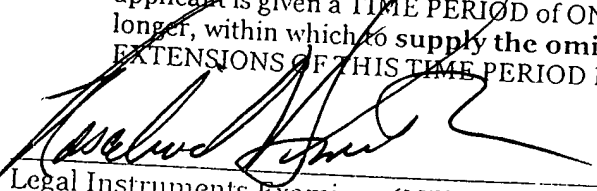
- ☐ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☒ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: Please provide clean version of Amended Claims 1, 4, and 5
you may fax them to (703) 305-3590.

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbz/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☒ **PRELIMINARY AMENDMENT:** Unless applicant **supplies the omission or correction** to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to **supply the omission or correction noted above** in order to **avoid abandonment**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Legal Instruments Examiner (LIE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerard Stephan
Ser. No. : 09/927,692
Filed : 08/10/01
For : NIPPLE ADAPTER FOR A STANDARD
NARROW-MOUTHED BEVERAGE BOTTLE
Art Unit : 3727
Examiner : Tri M. Mai
Final Office Action: November 19, 2002

SUPPLEMENTAL PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Amendment is filed in response to the Notice of Non-Compliant Amendment, dated July 10, 2003. A clean version of the Amended Claims 1, 4 and 5 has been provided. Please amend Claims 1, 4 and 5 as follows:

In the Claims

Please amend pending Claims 1, 4 and 5 as follows,
which constitutes a clean copy thereof:

1. (amended) An integral single piece adapter ring with internal female and external male threads, for adapting a conventional baby bottle nipple-and-collar to fit a conventional narrow-mouthed threaded beverage bottle top, said adapter comprising:

a cylindrical ring (2) having an internal void (3) therein;

said female threads located on an inner wall (4) of said ring (2);

said female threads for mating with respective male bottle-top threads of a conventional narrow-diameter threaded-cap beverage container (8), said female threads on said inner wall (4) for permitting alternate user mounting and user removal of said cylindrical ring (2) respectively onto and from said conventional beverage bottle (8);

said cylindrical ring (2) having said external male threads on an outer wall of said ring (2); said male threads for alternate user mounting and removal respectively onto and from respective internal female threads on a conventional baby-bottle nipple collar (6);

[a] an unbraced, unencumbered resilient circumferential sealing flange (5), said sealing flange being completely flat on its respective top and bottom surfaces, said sealing flange extending radially inward from said inner wall of said ring (2);

said completely flat sealing flange (5) having a central aperture for permitting fluid flow to a conventional baby-bottle nipple (7) therethrough; said completely flat sealing flange (5) sealably contacting an upper edge of the conventional beverage bottle spout when said cylindrical ring (2) and said conventional baby-bottle collar are in their respective mounted positions; and

an uninterrupted top chamber above said sealing flange (5) and a bottom chamber below said sealing flange (5), said top chamber having a smooth, cylindrical interior wall and a diameter larger than the diameter of said bottom chamber.

4. (new) An integral, single piece adapter for adapting a baby bottle nipple for use on and with a narrow-mouthed threaded beverage bottle top comprising:

a circular ring divided in the interior thereof into an uninterrupted top chamber and a bottom chamber by an inwardly extending unbraced, unencumbered resilient sealing

flange, said unbraced, unencumbered sealing flange being completely flat on respective top and bottom surfaces thereof for engaging and sealing a top opening of said beverage bottle top, said completely flat sealing flange having an opening for passage of liquid;

said top chamber having an uninterrupted recess therein and a smooth cylindrical interior wall surface;

female threads being provided along an inner surface of said bottom chamber for engaging threads on the outside of said beverage bottle top;

a collar formed on the outside of said ring adjacent a lower opening into said bottom chamber; and

male threads on the outside of said ring above said collar for engagement with a collar accommodating said nipple therein.

5. (new) The integral, single piece adapter of claim 4 in which said top chamber has a larger inside diameter than said bottom chamber.

REMARKS

A Notice of Appeal was filed on May 19, 2003.

This Preliminary Amendment is filed in connection with a Request for Continued Examination after the prior final office action of November 19, 2002.

Claims 4 and 5 were previously rejected as being indefinite. These claims have been amended to recite that the internal threads within the adapter are female threads and that the external threads outside of the adapter are male threads.

Claims 1, 4 and 5 were rejected as being anticipated by U.S. Patent No. 6,415,937 of DeJong et al.

Claims 1, 4 and 5 were also rejected as being obvious over DeJong '937.

DeJong '937 shows a bottle adapter formed as "a single contiguous unit" (col. 3, lines 49-50) similar to the present invention in this regard. However, the attachment receiving portion of the adapter is interrupted with multiple threaded concentric rings for different types of nipple attachments. For example, the upper chamber formed by annular wall 52 is interrupted with the upwardly extended wall 54 of inner upper chamber 62.

In addition, inner upper chamber 62 has a venturi type configuration (see Fig. 4). In the present invention, as in amended Claims 1, 4 and 5, the top chamber has a smooth, cylindrical wall as seen in Fig. 3 and the top chamber is uninterrupted. In contrast, DeJong's upper chamber 56 is interrupted by a slanted upwardly extending wall 54 forming a second chamber 62 within top chamber 56. The second chamber 62 is not cylindrical but due to its slanted wall 56 is wider at its bottom.

In addition, the sealing flange in the present invention has completely flat top and bottom surfaces as seen Fig. 3. In DeJong '937, as seen in his Fig. 4, only the bottom surface of the flange is flat. The top surface is at an angle forming a triangular shape.

While the Examiner states that it would be obvious to provide a flat flange instead of the triangular abuted and braced non-flat flange of DeJong '937, this is not true. This braced shape of DeJong's flange 68 reduces the resilience of the flange and there would result in less effective sealing with the bottle opening. In addition, the slanted upper walls contribute to interruption of fluid flow in chamber 62.

In view of the differences between the present invention and the art as discussed above, Claims 1 and 4 have been extensively amended to recite these differences.

Claim 1, as amended, recites that the top chamber is uninterrupted, has an inner smooth cylindrical wall and a larger diameter than the bottom chamber. Since the adapter is designed to be used on narrow opening bottles, the larger top chamber should provide a reservoir for a smoother flow pattern. In DeJong '937, the upper chamber 62 (see Fig. 4) is venturi shaped and would not be likely to provide the type of flow obtained in the present invention.

New Claims 1 and 4 emphasize that the resilient sealing flange is completely flat with flat top and bottom surfaces. In contrast, the flange of DeJong '937 is only partially flat on its top surface, since it ends with an upwardly slanted annular wall features which are not present in amended Claims 1, 4 and 5.

In view of the foregoing, it is believed that the amended Claims 1, 4 and 5 remaining are drawn to patentable subject matter and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned if further changes are required to obtain allowance of the application.

Stephan
09/927,692

A favorable action is solicited.

Respectfully submitted,



ALFRED M. WALKER

Attorney for Applicant

Reg. No. 29,983

225 Old Country Road

Melville, NY 11747-2712

Tel 631-361-8737

Dated: ~~June~~ ^{July 15}, 2003

A marked up copy of the Claims is as follows:

1. (amended) An integral single piece adapter ring with internal female and external male threads, for adapting a conventional baby bottle nipple-and-collar to fit a conventional narrow-mouthed threaded beverage bottle top, said adapter comprising:

a cylindrical ring (2) having an internal void (3) therein;

said female threads located on an inner wall (4) of said ring (2);

said female threads for mating with ~~the~~ respective male bottle-top threads of a conventional narrow-diameter threaded-cap beverage container (8); said female threads on said inner wall (4) for permitting alternate user mounting and user removal of said cylindrical ring (2) respectively onto and from said conventional beverage bottle (8);

said cylindrical ring (2) having said external male threads on an outer wall of said ring (2); said male threads for alternate user mounting and removal respectively onto and from respective internal female threads on a conventional baby-bottle nipple collar (6);

[a] an unbraced, unencumbered resilient circumferential sealing flange (5), said sealing flange being completely flat on its respective top and bottom surfaces, said sealing flange extending radially inward from said inner wall of said ring (2);

said completely flat sealing flange (5) having a central aperture for permitting fluid flow to a conventional baby-bottle nipple (7) therethrough; said completely flat sealing flange (5) ~~for~~ sealably contacting ~~the~~ an upper edge of the conventional beverage bottle spout when said cylindrical ring (2) and said conventional baby-bottle collar are in their respective mounted positions; and

an uninterrupted top chamber above said sealing flange (5) and a bottom chamber below said sealing flange (5), said top chamber having a smooth, cylindrical interior wall and a diameter larger than the diameter of said bottom chamber.

4. (new) An integral, single piece adapter for adapting a baby bottle nipple for use on and with a narrow-mouthed threaded beverage bottle top comprising:

a circular ring divided in the interior thereof into an uninterrupted top chamber and a bottom chamber by an inwardly extending unbraced, unencumbered resilient sealing

flange, said unbraced, unencumbered sealing flange being completely flat on respective top and bottom surfaces thereof for engaging and sealing a top opening of said beverage bottle top, said completely flat sealing flange having an opening for passage of liquid;

said top chamber having an uninterrupted recess therein and a smooth cylindrical interior wall surface;

female threads being provided along an inner surface of said bottom chamber for engaging threads on the outside of said beverage bottle top;

a collar formed on the outside of said ring adjacent a lower opening into said bottom chamber; and

male threads on the outside of said ring above said collar for engagement with a collar accommodating said nipple therein.

5. (new) The integral, single piece ~~adapter~~ adapter of claim 4 in which said top chamber has ~~a smooth cylindrical interior wall surface with~~ a larger inside diameter than said bottom chamber.

* P.01 *
* TRANSACTION REPORT *
* JUL-15-2003 TUE 04:53 PM *
* FOR: WALKER LAW OFFICES 6313618792 *

* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

* JUL-15 04:49 PM 17033053590 3'06" 14 SEND OK 617 *

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 6313618792

Fax Information

Date Received:

Total Pages:

10/28/03 2:12:07 PM [Eastern Standard Time]

16 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

OCT-28-2003 TUE 02:05 PM WALKER LAW OFFICES

FAX NO. 6313618792

P. 01

Alfred M. Walker, P.C.

Attorney at Law

*Admitted to New York State Bar
and the United States Patent Office*

233 OH County Road
Middletown, New York 11767-2712
Tel. No. (815) 361-4737
Fax No. (815) 361-4792
e-mail: awalker@opm.com

VIA FAX (703) 872-9302

October 28, 2003

Commissioner for Patents
Mail Stop: Amendments
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANTS:	Gerard Stephan
SERIAL NO.:	09/927,692
FILED:	August 10, 2001
EXAMINER:	Tri M. Mai
GROUP ART UNIT:	3727
MAILING DATE OF ACTION:	July 10, 2003
TITLE:	NIPPLE ADAPTER FOR A STANDARD NARROW-MOUTHED BEVERAGE BOTTLE

Dear Examiner Mai:


Enclosed please find copy of Faxed Transmittal of a Supplemental Preliminary Amendment in response to notice of non-compliant Amendment, including clean copies of the claims pursuant to 37CFR 1.121.

The Supplemental Preliminary Amendment was faxed to the number indicated in the Notice dated July 10, 2003, namely to 703-305-3590. A copy of the faxed fourteen (14) pages is enclosed.


I also enclose a copy of my Fax Transaction report, showing that the 14 page fax was sent on July 15, 2003 at 4:49 pm to 703-305-3590, the number indicated in the Notice dated July 10, 2003.

Please contact if you need further documentation or information.

Respectfully submitted,


Alfred M. Walker
Reg. No. 29,983

CERTIFICATE OF FAX TRANSMISSION

I certify that this correspondence is being deposited by fax to (703) 872-9302 to the Commissioner of Patents, Mail Stop: Amendments, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
Date: October 28, 2003

Alfred M. Walker

Received from <6313618792> at 10/28/03 2:12:07 PM [Eastern Standard Time]

Alfred M. Walker, P.C.

Attorney at Law

*Admitted to New York State Bar
and the United States Patent Office*

225 Old Country Road
Melville, New York 11747-2712
Tel. No. (631) 361-8737
Fax No. (631) 361-8792
e-mailwalkerip@optonline.net

VIA FAX(703)872-9302

October 28, 2003

Commissioner for Patents
Mail Stop: Amendments
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANTS:	Gerard Stephan
SERIAL NO.:	09/927,692
FILED:	August 10, 2001
EXAMINER:	Tri M. Mai
GROUP ART UNIT:	3727
MAILING DATE OF ACTION:	July 10, 2003
TITLE:	NIPPLE ADAPTER FOR A STANDARD NARROW-MOUTHED BEVERAGE BOTTLE

Dear Examiner Mai:


Enclosed please find copy of Faxed Transmittal of a Supplemental Preliminary Amendment in response to notice of non-compliant Amendment, including clean copies of the claims pursuant to 37CFR 1.121.

The Supplemental Preliminary Amendment was faxed to the number indicated in the Notice dated July 10, 2003, namely to 703-305-3590. A copy of the faxed fourteen (14) pages is enclosed.

I also enclose a copy of my Fax Transaction report, showing that the 14 page fax was sent on July 15, 2003 at 4:49 pm to 703-305-3590, the number indicated in the Notice dated July 10, 2003.

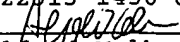
Please contact if you need further documentation or information.

Respectfully submitted,


Alfred M. Walker
Reg. No. 29,983

CERTIFICATE OF FAX TRANSMISSION

I certify that this correspondence is being deposited by fax to (703)872-9302 to the Commissioner of Patents, Mail Stop: Amendments, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
Date: October 28, 2003


Alfred Walker

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VIA FAX(703)305-3590

November 14, 2003

Commissioner for Patents
Mail Stop: Amendments
P.O. Box 1450
Alexandria, VA 22313-1450

FAXED

ATTN: SHANA ZIMMERMAN


APPLICANTS:	Gerard Stephan
SERIAL NO.:	09/927,692
FILED:	August 10, 2001
EXAMINER:	Tri M. Mai
GROUP ART UNIT:	3727
MAILING DATE OF ACTION:	July 10, 2003
TITLE:	NIPPLE ADAPTER FOR A STANDARD NARROW-MOUTHED BEVERAGE BOTTLE

Dear Ms. Zimmerman:

Pursuant to your telephone request, enclosed please find revised Supplemental Amendment including the text of canceled Claims 2 and 3.

Please contact if you need further documentation or information.

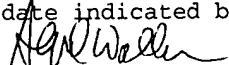
Respectfully submitted,


Alfred M. Walker
Reg. No. 29,983

CERTIFICATE OF FAX TRANSMISSION

I certify that this correspondence is being deposited by fax to (703)305-3590 to the Commissioner of Patents, Mail Stop: Amendments, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: November 14, 2003


Alfred Walker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerard Stephan
Ser. No. : 09/927,692
Filed : 08/10/01
For : NIPPLE ADAPTER FOR A STANDARD
NARROW-MOUTHED BEVERAGE BOTTLE
Art Unit : 3727
Examiner : Tri M. Mai
Final Office Action: November 19, 2002

SECOND SUPPLEMENTAL PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Second Supplemental Amendment is filed in response to the Notice of Non-Compliant Amendment, dated July 10, 2003, adding the text of previously canceled Claims 2 and 3. A clean version of the Amended Claims 1, 4 and 5 has been provided. Please amend Claims 1, 4 and 5 as follows:

In the Claims

Claims 2 and 3 have been previously canceled.

Please amend pending Claims 1, 4 and 5 as follows,
which constitutes a clean copy thereof:

1. (currently amended) An integral single piece adapter ring with internal female and external male threads, for adapting a conventional baby bottle nipple-and-collar to fit a conventional narrow-mouthed threaded beverage bottle top, said adapter comprising:

a cylindrical ring (2) having an internal void (3) therein;

said female threads located on an inner wall (4) of said ring (2);

said female threads for mating with respective male bottle-top threads of a conventional narrow-diameter threaded-cap beverage container (8), said female threads on said inner wall (4) for permitting alternate user mounting and user removal of said cylindrical ring (2) respectively onto and from said conventional beverage bottle (8);

said cylindrical ring (2) having said external male threads on an outer wall of said ring (2); said male threads for alternate user mounting and removal respectively onto

and from respective internal female threads on a conventional baby-bottle nipple collar (6);

an unbraced, unencumbered resilient circumferential sealing flange (5), said sealing flange being completely flat on its respective top and bottom surfaces, said sealing flange extending radially inward from said inner wall of said ring (2);

said completely flat sealing flange (5) having a central aperture for permitting fluid flow to a conventional baby-bottle nipple (7) therethrough; said completely flat sealing flange (5) sealably contacting an upper edge of the conventional beverage bottle spout when said cylindrical ring (2) and said conventional baby-bottle collar are in their respective mounted positions; and

an uninterrupted top chamber above said sealing flange (5) and a bottom chamber below said sealing flange (5), said top chamber having a smooth, cylindrical interior wall and a diameter larger than the diameter of said bottom chamber.

2. (withdrawn) The cylindrical ring (2) of Claim 1, further comprising a pair of interconnecting chambers therewithin; said pair of chambers comprising

a top chamber having an open top end and a bottom chamber having an open bottom end, said top and bottom chambers being internally interconnected by said circumferential sealing flange (5), said flange (5) comprising an open medial connecting member contiguous respectively with said top and bottom chambers; and wherein

said open top end of said top chamber having a diameter larger than the diameter of said open bottom end of said bottom chamber; and wherein

said bottom chamber comprises said inner wall (4); said female threads of said inner wall (4) for receiving and grasping the male threads of a standard beverage bottle top (8); and wherein

said top chamber of said sealing ring (2) comprises said outer wall of said ring (2);, said external male threads disposed on said top chamber outer wall for grasping the female threads of a conventional baby-bottle nipple sealing ring for convenient user installation and removal of baby drinking nipples.

3. (withdrawn) The device of claim 2, wherein said circumferential sealing flange (5) is disc-shaped, wherein the diameter of said disc-shaped flange (5) is disposed perpendicular to a longitudinal axis of said cylindrical

ring (2); said longitudinal axis of said ring (2) being co-linear with a longitudinal axis of said conventional beverage container (8).

4. (currently amended) An integral, single piece adapter for adapting a baby bottle nipple for use on and with a narrow-mouthed threaded beverage bottle top comprising:

a circular ring divided in the interior thereof into an uninterrupted top chamber and a bottom chamber by an inwardly extending unbraced, unencumbered resilient sealing flange, said unbraced, unencumbered sealing flange being completely flat on respective top and bottom surfaces thereof for engaging and sealing a top opening of said beverage bottle top, said completely flat sealing flange having an opening for passage of liquid;

said top chamber having an uninterrupted recess therein and a smooth cylindrical interior wall surface;

female threads being provided along an inner surface of said bottom chamber for engaging threads on the outside of said beverage bottle top;

a collar formed on the outside of said ring adjacent a lower opening into said bottom chamber; and

male threads on the outside of said ring above said collar for engagement with a collar accommodating said nipple therein.

5. (currently amended) The integral, single piece adapter of claim 4 in which said top chamber has a larger inside diameter than said bottom chamber.

REMARKS

This second Supplemental Amendment is made in response to the telephone call from Shana Zimmerman requesting that canceled Claims 2 and 3 be included to the Amendment filed previously on July 10, 2003. These canceled Claims have been added.

A Notice of Appeal was filed on May 19, 2003.

This Preliminary Amendment is filed in connection with a Request for Continued Examination after the prior final office action of November 19, 2002.

Claims 4 and 5 were previously rejected as being indefinite. These claims have been amended to recite that the internal threads within the adapter are female threads and that the external threads outside of the adapter are male threads.

Claims 1, 4 and 5 were rejected as being anticipated by U.S. Patent No. 6,415,937 of DeJong et al.

Claims 1, 4 and 5 were also rejected as being obvious over DeJong '937.

DeJong '937 shows a bottle adapter formed as "a single contiguous unit" (col. 3, lines 49-50) similar to the present invention in this regard. However, the attachment receiving portion of the adapter is interrupted with

multiple threaded concentric rings for different types of nipple attachments. For example, the upper chambers formed by annular wall 52 is interrupted with the upwardly extended wall 54 of inner upper chamber 62.

In addition, inner upper chamber 62 has a venturi type configuration (see Fig. 4). In the present invention, as in amended Claims 1, 4 and 5, the top chamber has a smooth, cylindrical wall as seen in Fig. 3 and the top chamber is uninterrupted. In contrast, DeJong's upper chamber 56 is interrupted by a slanted upwardly extending wall 54 forming a second chamber 62 within top chamber 56. The second chamber 62 is not cylindrical but due to its slanted wall 56 is wider at its bottom.

In addition, the sealing flange in the present invention has completely flat top and bottom surfaces as seen Fig. 3. In DeJong '937, as seen in his Fig. 4, only the bottom surface of the flange is flat. The top surface is at an angle forming a triangular shape.

While the Examiner states that it would be obvious to provide a flat flange instead of the triangular abutted and braced non-flat flange of DeJong '937, this is not true. This braced shape of DeJong's flange 68 reduces the resilience of the flange and there would result in less effective sealing with the bottle opening. In addition, the

slanted upper walls contribute to interruption of fluid flow in chamber 62.

In view of the differences between the present invention and the art as discussed above, Claims 1 and 4 have been extensively amended to recite these differences.

Claim 1, as amended, recites that the top chamber is uninterrupted, has an inner smooth cylindrical wall and a larger diameter than the bottom chamber. Since the adapter is designed to be used on narrow opening bottles, the larger top chamber should provide a reservoir for a smoother flow pattern. In DeJong '937, the upper chamber 62 (see Fig. 4) is venturi shaped and would not be likely to provide the type of flow obtained in the present invention.

New Claims 1 and 4 emphasize that the resilient sealing flange is completely flat with flat top and bottom surfaces. In contrast, the flange of DeJong '937 is only partially flat on its top surface, since it ends with an upwardly slanted annular wall features which are not present in amended Claims 1, 4 and 5.

In view of the foregoing, it is believed that the amended Claims 1, 4 and 5 remaining are drawn to patentable subject matter and should be allowed.

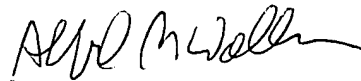
A conscientious effort has been made to place this application in condition for immediate allowance. The

Stephan
09/927,692

Examiner is requested to call the undersigned if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



ALFRED M. WALKER

Attorney for Applicant
Reg. No. 29,983
225 Old Country Road
Melville, NY 11747-2712
Tel 631-361-8737

Dated: November 14, 2003

A marked up copy of the Claims is as follows:

1. (currently amended) An integral single piece adapter ring with internal female and external male threads, for adapting a conventional baby bottle nipple-and-collar to fit a conventional narrow-mouthed threaded beverage bottle top, said adapter comprising:

a cylindrical ring (2) having an internal void (3) therein;

said female threads located on an inner wall (4) of said ring (2);

said female threads for mating with ~~the~~ respective male bottle-top threads of a conventional narrow-diameter threaded-cap beverage container (8); said female threads on said inner wall (4) for permitting alternate user mounting and user removal of said cylindrical ring (2) respectively onto and from said conventional beverage bottle (8);

said cylindrical ring (2) having said external male threads on an outer wall of said ring (2); said male threads for alternate user mounting and removal respectively onto and from respective internal female threads on a conventional baby-bottle nipple collar (6);

[a] an unbraced, unencumbered resilient circumferential sealing flange (5), said sealing flange being completely flat on its respective top and bottom surfaces, said sealing flange extending radially inward from said inner wall of said ring (2);

said completely flat sealing flange (5) having a central aperture for permitting fluid flow to a conventional baby-bottle nipple (7) therethrough; said completely flat sealing flange (5) ~~for~~ sealably contacting ~~the~~ an upper edge of the conventional beverage bottle spout when said cylindrical ring (2) and said conventional baby-bottle collar are in their respective mounted positions; and

an uninterrupted top chamber above said sealing flange (5) and a bottom chamber below said sealing flange (5), said top chamber having a smooth, cylindrical interior wall and a diameter larger than the diameter of said bottom chamber.

2. (withdrawn) The cylindrical ring (2) of Claim 1, further comprising a pair of interconnecting chambers therewithin; said pair of chambers comprising

a top chamber having an open top end and a bottom chamber having an open bottom end, said top and bottom chambers being internally interconnected by said circumferential sealing flange (5), said flange (5)

comprising an open medial connecting member contiguous respectively with said top and bottom chambers; and wherein

said open top end of said top chamber having a diameter larger than the diameter of said open bottom end of said bottom chamber; and wherein

said bottom chamber comprises said inner wall (4); said female threads of said inner wall (4) for receiving and grasping the male threads of a standard beverage bottle top (8); and wherein

said top chamber of said sealing ring (2) comprises said outer wall of said ring (2);, said external male threads disposed on said top chamber outer wall for grasping the female threads of a conventional baby-bottle nipple sealing ring for convenient user installation and removal of baby drinking nipples.

3. (withdrawn) The device of claim 2, wherein said circumferential sealing flange (5) is disc-shaped, wherein the diameter of said disc-shaped flange (5) is disposed perpendicular to a longitudinal axis of said cylindrical ring (2); said longitudinal axis of said ring (2) being co-linear with a longitudinal axis of said conventional beverage container (8).

4. (currently amended) An integral, single piece adapter for adapting a baby bottle nipple for use on and with a narrow-mouthed threaded beverage bottle top comprising:

a circular ring divided in the interior thereof into an uninterrupted top chamber and a bottom chamber by an inwardly extending unbraced, unencumbered resilient sealing flange, said unbraced, unencumbered sealing flange being completely flat on respective top and bottom surfaces thereof for engaging and sealing a top opening of said beverage bottle top, said completely flat sealing flange having an opening for passage of liquid;

said top chamber having an uninterrupted recess therein and a smooth cylindrical interior wall surface;

female threads being provided along an inner surface of said bottom chamber for engaging threads on the outside of said beverage bottle top;

a collar formed on the outside of said ring adjacent a lower opening into said bottom chamber; and

male threads on the outside of said ring above said collar for engagement with a collar accommodating said nipple therein.

5. (currently amended) The integral, single piece ~~adapter~~ adapter of claim 4 in which said top chamber has a ~~smooth cylindrical interior wall surface with~~ a larger inside diameter than said bottom chamber.

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* TRANSACTION REPORT *
* NOV-14-2003 FRI 09:21 PM *
* FOR: WALKER LAW OFFICES 6313618792 *

* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

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